



## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2021-0052]

#### Hours of Service (HOS) of Drivers; Application by American Pyrotechnics

#### Association for Exemptions From the 14-Hour Rule and the Electronic Logging

#### Device Rule During Independence Day Celebrations

**AGENCY:** Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation (DOT).

**ACTION:** Notice of application for exemptions; request for comments.

**SUMMARY:** FMCSA announces that it has received an application from the American Pyrotechnics Association (APA) requesting exemptions from certain hours of service (HOS) regulations. Previous similar exemptions expired on July 8, 2021, and APA now requests the exemptions on behalf of 45 member companies. The exemptions would allow drivers to exclude off-duty and sleeper berth time of any length from the calculation of the 14-hour limit and to use paper records of duty status (RODS) in lieu of an electronic logging device (ELD) during the designated Independence Day periods. The requests are for the transportation of pyrotechnics from June 28 through July 8 of every year from 2022 through 2026.

**DATES:** Comments must be received on or before [INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER].

**ADDRESSES:** You may submit comments identified by Federal Docket Management System (FDMS) Docket ID FMCSA-2021-0052 using any of the following methods:

- **Federal eRulemaking Portal:** [www.regulations.gov](https://www.regulations.gov). See the **Public Participation and Request for Comments** section below for further information.

- **Mail:** Docket Operations, U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Ground Floor, Room W12-140, Washington, DC 20590-0001.
- **Hand Delivery or Courier:** West Building, Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal holidays.
- **Fax:** (202) 493-2251.

Each submission must include the Agency name and the docket number (FMCSA-2021-0052) for this notice. Note that DOT posts all comments received without change to [www.regulations.gov](http://www.regulations.gov), including any personal information included in a comment. Please see the **Privacy Act** heading below.

**Docket:** For access to the docket to read background documents or comments, go to [www.regulations.gov](http://www.regulations.gov) at any time or visit Room W12-140 on the ground level of the West Building, 1200 New Jersey Avenue, SE, Washington, DC, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal holidays. To be sure someone is there to help you, please call (202) 366-9317 or (202) 366-9826 before visiting Dockets Operations.

**Privacy Act:** In accordance with 49 U.S.C. 31315(b), DOT solicits comments from the public to better inform its exemption process. DOT posts these comments, without edit, including any personal information the commenter provides, to [www.regulations.gov](http://www.regulations.gov), as described in the system of records notice DOT/ALL-14 FDMS, which can be reviewed at <https://www.transportation.gov/privacy>.

**FOR FURTHER INFORMATION CONTACT:** Ms. Pearlie Robinson, Driver and Carrier Operations Division; Office of Carrier, Driver and Vehicle Safety Standards, FMCSA, (202) 366-4225 or by e-mail at [MCPSD@dot.gov](mailto:MCPSD@dot.gov). If you have questions on

viewing or submitting material to the docket, contact Dockets Operations, (202) 366-9826.

## **SUPPLEMENTARY INFORMATION:**

### **I. Public Participation and Request for Comments**

FMCSA encourages you to participate by submitting comments and related materials.

#### Submitting Comments

If you submit a comment, please include the docket number for this notice (FMCSA-2021-0052), indicate the specific section of this document to which the comment applies, and provide a reason for suggestions or recommendations. You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an e-mail address, or a phone number in the body of your document so the Agency can contact you if it has questions regarding your submission.

To submit your comment online, go to [www.regulations.gov](http://www.regulations.gov) and put the docket number (“FMCSA-2021-0052”) in the “Keyword” box, and click “Search.” When the new screen appears, click on the “Comment Now!” button and type your comment into the text box in the following screen. Choose whether you are submitting your comment as an individual or on behalf of a third party and then submit. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the facility, please enclose a stamped, self-addressed postcard or envelope. FMCSA will consider all comments and material received during the comment period.

### **II. Legal Basis**

FMCSA has authority under 49 U.S.C. 31136(e) and 31315(b) to grant exemptions from Federal Motor Carrier Safety Regulations (FMCSRs). FMCSA must publish a notice of each exemption request in the **Federal Register** (49 CFR 381.315(a)). The Agency must provide the public an opportunity to inspect the information relevant to the application, including any safety analyses that have been conducted. The Agency must provide an opportunity for public comment on the request.

The Agency reviews safety analyses and public comments submitted and determines whether granting the exemption would likely achieve a level of safety equivalent to, or greater than, the level that would be achieved by the current regulation (49 CFR 381.305). The Agency must publish its decision in the **Federal Register** (49 CFR 381.315(b)) with the reasons for denying or granting the application and, if granted, the name of the person or class of persons receiving the exemption and the regulatory provision from which the exemption is granted. The notice must specify the effective period and explain the terms and conditions of the exemption. The exemption may be renewed (49 CFR 381.300(b)).

### **III. Applicant's Requests**

APA requests renewal of its HOS exemptions from the 14-hour rule in 49 CFR 395.3(a)(2) and the ELD rule in 49 CFR 395.8(a)(1)(i) for 42 of 60 companies included in the 2021 HOS exemptions, which expired on July 8, 2021 [86 FR 34834]. The application also requests the exemptions on behalf of 3 additional companies not included in the 2021 HOS exemptions. A copy of the request and additional correspondence modifying the request are in the docket at the beginning of this notice.

APA member companies have held waivers or exemptions during Independence Day periods each year since 2005. Copies of the initial request for an exemption, subsequent renewal requests, and all public comments received may be reviewed at

www.regulations.gov under docket numbers FMCSA–2005–21104, FMCSA-2007-28043, FMCSA-2018-0140, and FMCSA-2021-0052.

#### **IV. Request for Comments**

In accordance with 49 U.S.C. 31315(b), FMCSA requests public comment from all interested persons on APA’s application for exemptions from 49 CFR 395.3(a)(2) and 395.8(a)(1)(i). All comments received before the close of business on the comment closing date indicated at the beginning of this notice will be considered and will be available for examination in the docket at the location listed under the Addresses section of this notice. Comments received after the comment closing date will be filed in the public docket and will be considered to the extent practicable. In addition to late

comments, FMCSA will also continue to file, in the public docket, relevant information that becomes available after the comment closing date. Interested persons should continue to examine the public docket for new material.

**Larry W. Minor,**  
*Associate Administrator for Policy.*

**Appendix to Notice of Applications for Renewal of APA Exemptions From  
the 14-Hour and ELD HOS Rules for Independence Day Periods  
June 28, 2022, Through July 8, 2026, for 45 Motor Carriers**

	<b>Motor carrier</b>	<b>Street address</b>	<b>City, state, zip code</b>	<b>DOT No.</b>
1	American Fireworks Display, LLC	105 County Route 7	McDonough, NY 13801	2115608
2	AM Pyrotechnics, LLC	2429 East 535th Rd.	Buffalo, MO 65622	1034961
3	Arthur Rozzi Pyrotechnics	6607 Red Hawk Ct.	Maineville, OH 45039	2008107
4	Artisan Pyrotechnics, Inc.	82 Grace Road	Wiggins, MS 39577	1898096
5	Atlas PyroVision Entertainment Group, Inc.	136 Sharon Road	Jaffrey, NH 03452	789777
6	Celebration Fireworks, Inc.	7911 7th Street	Slatington, PA 18080	1527687
7	*CP Transport, LLC	6377 Hwy. 62 NE	Lanesville, IN 47136	3076205
8	Dominion Fireworks, Inc.	669 Flank Road	Petersburg, VA 23805	540485
9	Falcon Fireworks	3411 Courthouse Road	Guyton, GA 31312	1037954
10	Fireworks & Stage FX America	12650 Hwy 67S. Suite B	Lakeside, CA 92040	908304
11	Fireworks by Grucci, Inc.	20 Pinehurst Drive	Bellport, NY 11713	324490
12	Aluminum King Mfg., Ltd. dba Flashing Thunder Fireworks	700 E Van Buren Street	Mitchell, IA 50461	420413
13	Great Lakes Fireworks	24805 Marine	Eastpointe, MI 48021	1011216
14	Hale Artificier, Inc.	3185 East US Hwy. 64	Lexington, NC 27292	981325
15	Hamburg Fireworks Display, Inc.	2240 Horns Mill Road SE	Lancaster, OH	395079
16	Hollywood Pyrotechnics, Inc.	1567 Antler Point	Eagan, MN 55122	1061068
17	J&J Computing dba Fireworks Extravaganza	174 Route 17 North	Rochelle Park, NJ 07662	2064141
18	J&M Displays, Inc.	18064 170th Ave	Yarmouth, IA 52660	377461
19	Johnny Rockets Fireworks Display Company	3240 Love Rock	Steger, IL 60475	1263181
20	Las Vegas Display Fireworks, Inc.	4325 West Reno Ave.	Las Vegas, NV 89118	3060878
21	Legion Fireworks Co., Inc.	10 Legion Lane	Wappingers Falls, NY	554391
22	Martin & Ware Inc. dba Pyro City Maine &	P.O. Box 322	Hallowell, ME 04347	734974
23	Miand Inc. dba Planet Productions (Mad	PO Box 294, 3999 Hupp Road	Kingsbury, IN 46345	777176
24	Montana Display Fireworks, Inc.	9480 Inspiration Road	Missoula, MT 59808	1030231
25	*Pyro Productions Inc.	2083 Helms Road	Rehobeth, AL 36301	3723192
26	*Pyro Shows East Coast	4652 Catawba River Road	Catawba, SC 29704	3709087
27	Pyro Shows, Inc.	115 N 1 <sup>st</sup> Street	LaFollette, TN 37766	456818
28	Pyro Shows of Alabama, Inc.	3325 Poplar Lane	Adamsville, AL 35005	2859710
29	Pyro Shows of Texas, Inc.	6601 9 Mile Azle Rd.	Fort Worth, TX 76135	2432196
30	Pyro Spectaculars, Inc.	3196 N Locust Ave	Rialto, CA 92376	029329
31	Pyro Spectaculars North, Inc.	5301 Lang Avenue	McClellan, CA 95652	1671438
32	Pyrotecnico Fireworks Inc..	299 Wilson Rd.	New Castle, PA 16105	526749
33	Rainbow Fireworks, Inc.	76 Plum Ave.	Inman, KS 67546	1139643
34	RES Specialty Pyrotechnics dba RES Pyro	21595 286th St	Belle Plaine, MN 56011	523981
35	RKM Fireworks Company	27383 May St.	Edwardsburg, MI 49112	1273436
36	Rozzi's Famous Fireworks, Inc.	118 Karl Brown Way	Loveland, OH 45140	0483686
37	Santore's World Famous Fireworks, LLC	846 Stillwater Bridge Road	Schaghticoke, NY 12154	2574135
38	Southern Sky Fireworks, LLC	6181 Denham Rd.	Sycamore, GA 31790-2603	3168056
39	Spielbauer Fireworks Co, Inc.	1976 Lane Road	Green Bay, WI 54311	046479
40	Starfire Corporation	682 Cole Road	Carrolltown, PA 15722	554645
41	Vermont Fireworks Co., dba	2235 Vermont Route 14 South	East Montpelier, VT 05651	310632
42	Western Display Fireworks, Ltd.	10946 S. New Era Rd.	Canby, OR 97013	498941
43	Wolverine Fireworks Display, Inc	205 W Seidlers	Kawkawlin, MI	376857
44	Young Explosives Corp.	2165 New Michigan Rd.	Canandaigua, NY 14618	450304
45	Zambelli Fireworks MFG, Co., Inc.	120 Marshall Drive	Warrendale, PA 15086	033167